

REMARKS/ARGUMENTS

Independent claims 1, 19 and 21 have been amended to clarify that the bristle carrier (21) is as shown in the various figures of the Application is "non-segmented", i.e. a single, unitary work piece.

Claim 6 has been amended to clarify a confusion kindly pointed out by the Examiner, a change detailed below.

Claim 9 has been amended by inserting "toe" after "free", a correction kindly pointed out by the Examiner.

The preambles of Claims 13-20 have been made consistent with the claim from which they depend, i.e. a method claim, a change kindly pointed out the Examiner.

Claim 21 has been amended to clarify a lack of antecedent as detailed below, a change kindly pointed out by the Examiner.

Claims 6-9 and 13-22 are stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submit the above amendments to Claims 6, 9 and 13-21 to traverse this rejection, specifically in that the amendment to:

- (1) Claim 6 – wherein replacement text: said bottom surface (45) of the bristle carrier (21) is attached to a bristle carrier support (31) by a rotational supporting means; clarifies the physical relationship between the bristle carrier support (31) and the bottom surface (45) of the bristle carrier (21) – removing the confusion regarding claims 6 and dependent claims 7-9 thereto;
- (2) Claim 9 – wherein the word – toe – is added following "free" to clarify the claims;
- (3) Claims 13-20 – amended to indicate their dependence on a method claim;
- (4) Claim 21 – wherein the initial descriptive text of the "head (47)" has been expanded to include the fact that the "head (47) contains a bristle carrier support (31) having an upper surface (49), such that both the bristle carrier support (31)

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and the upper surface thereof (49) have antecedent basis. Further the article preceding "bristle carrier (21)" has been corrected from "the" to "a" and the text "which" has been added preceding "is centrally supported" to establish the relationship of the "bristle carrier (21)" to said previously mentioned "bristle carrier support (31)".

Claims 1-5, 10, 12-17, 19 and 23 stand rejected under 35 USC §102(e) as being anticipated by Calabrese (USP 6,510,575).

As held by patent tribunals, anticipation requires identity of invention. In particularity, the claimed invention, as described in appropriately construed claims, must be the same as that of the reference in order to anticipate. See, Glaverbel Society Anonyme v. Northlake Marketing & Supply Inc., 33 U.S.P.Q.2d 1496, 1498 (Fed. Cir. 1995). Calabrese discloses a brush head comprising two or more bristle bearing segments linked together by a flexible link, an invention which lacks identity with applicant's amended claim to a non-segmented bristle carrier. With such lack of identity, there is no anticipation and Applicants respectfully request that this rejection be withdrawn.

Claims 21 and 22 stand rejected under 35 USC §102(e) as being anticipated by Gruber et al. (USP 6,463,615).

Gruber et al.('615) discloses and claims a first cleaning member and a separate interdental bristle holder, which is distinctly different from Applicants' claimed non-segmented bristle carrier (claimed as amended); such that for the same reason of non-identity of invention as Calabrese, Gruber et al.('615) fails to anticipate Applicants' claimed invention and this rejection should be withdrawn.

Claims 18 stand rejected under 35 USC §103(a) as being unpatentable over Calabrese (USP 6,510,575).

Applicants' independent claim 12, as amended, claims a non-segmented bristle carrier which being much less complex, i.e. simpler, and less expensive construction than the flexibly linked, living hinge, segmented bristle carrier disclosed in Calabrese and as such is patentable thereover. Such patentability of simpler, less complex and less expensive inventions has been upheld by multiple patent tribunals, including the

holdings in In re Mixon and Wahl, 176 U.S.P.Q. 296, 299(C.C.P.A. 1973) (wherein the Court held that: simplicity itself has....been held to be an indicia of non-obviousness); and in AMI Industries, Inc. v. EA Industries, Incorporated, 204 U.S.P.Q. 568, 587 (N.C. 1979) (wherein the Court held that: the very simplicity of a new idea is the truest and most reliable indication of novelty and invention). And given the non-obviousness and patentability of the independent claim 12 from which dependent claim 18 depends, dependent claim 18 is itself non-obvious and patentable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 11 and 20 stand rejected under 35 USC §103(a) as being unpatentable over Calabrese (USP 6,510,575), as applied by the Examiner to claims 10 and 19 in the 35 USC §102 rejection above, and further in view of Guber et al. (USP 6,308,358).

Applicants respectfully submit that as detailed above Calabrese is not a valid obviousness reference with respect to Applicants' independent claims 1 and 12, due to Applicants' simpler and less expensive invention. The patentability and non-obviousness of Applicants' independent claims speaks for the patentability and non-obviousness of dependent claims 11 and 20 which contain all of the limitations of the independent claims. Accordingly with respect to Calabrese, Applicants' request that the subject obviousness rejection be withdrawn.

Further, as Guber et al.('358) discloses a more complex first bristle and independently driven second interdental bristle holder than is disclosed in Calabrese, such that Guber et al.('358) does not add anything to Calabrese to destroy the non-obviousness of Applicants' simpler and less expensive invention as claimed in Applicants' independent claims 1 and 12. Accordingly, it is respectfully requested that this rejection of Applicants' dependent claims 11 and 20, based upon the combination of Calabrese and Guber et al.('358) be withdrawn.

In light of the above arguments and the supporting case law therefore, Applicant respectfully requests the prompt allowance of the amended claims as listed above.